

# United States Senate

WASHINGTON, DC 20510-4605

October 16, 2007

Senator Byron Dorgan  
Chairman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

Senator Lisa Murkowski  
Vice Chairwoman  
Senate Committee on Indian Affairs  
838 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Dorgan and Vice Chairwoman Murkowski:

I write to respectfully request that the Senate Committee on Indian Affairs schedule a mark-up of the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007 (H.R. 1294). I strongly support this bill and believe its enactment this year will confer important and long overdue recognition of Virginia's Indian population in this, the 400<sup>th</sup> year anniversary of the Commonwealth.

As you know, this tribal recognition bill passed the U.S. House of Representatives on May 8, 2007, with overwhelming bipartisan support. This bill would extend federal recognition to the following Indian tribes of Virginia: (1) the Chickahominy Tribe; (2) the Chickahominy Indian Tribe – Eastern Division; (3) the Upper Mattaponi Tribe; (4) the Rappahannock Tribe, Inc.; (5) the Monacan Indian Nation; and (6) the Nansemond Indian Tribe. Each tribe would become eligible for all services and benefits provided by the federal government to federally recognized Indian tribes. Additionally, these six tribes would be prohibited from conducting gaming activities.

I have spent several months examining this issue in great detail, including information about the rich history and culture of our extraordinary Indian population. Through this view, I have concluded that this legislation is a simple matter of fairness. After four-hundred years since the founding of America's first colony at Jamestown, these six tribes deserve to join our nation's other 562 federally-recognized tribes.

Congressional hearings and reports – over the last several Congresses – demonstrate the ancestry and status of these tribes. Tribal representatives have attempted to gain formal federal recognition through the Department of the Interior's Bureau of Indian Affairs (BIA). However, as the BIA and several tribes have testified before your Committee, a lack of resources coupled with unclear agency guidelines have produced a cumbersome recognition process. Moreover, as testimony before your Committee has established, much of the documentation that these tribes could use to prove their ancestry was tampered with or destroyed due to state actions at the beginning of the last century.

There may be some improvements that can be made to the House-passed tribal recognition bill. For example, some parties have raised concerns about the bill's scope of tribal sovereignty. I would be pleased to work with you and other interested senators to amend language that would improve this legislation. However, these concerns notwithstanding, federal recognition of Virginia's Indians enjoys strong, bipartisan support in Virginia. Governor Kaine and his predecessor have supported recognition, and in 1999 both houses of the Virginia General Assembly adopted resolutions embracing federal recognition. The measure also has support from various religious and civic organizations.

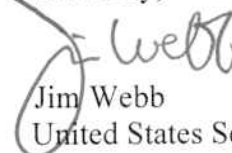
Aside from my support of the House-passed tribal recognition bill, I also am interested in finding ways to improve the BIA's administrative recognition process. As you know, in 1978 the Department of the Interior established a process intended to provide a uniform and objective mechanism to recognize tribes. Since 1978, the BIA has reached final recognition decisions regarding forty tribes, while Congressional legislation has recognized thirty tribes. Currently, there are seven petitions on active status awaiting BIA decisions and ten petitions on ready status, including tribes that began the BIA recognition process in the late 1970s. All parties agree that the recognition process has proven to be an arduous one for both the tribes and the BIA.

On September 19, 2007, your Committee held a hearing on tribal recognition and found similar flaws with the agency's recognition process as documented in a 2001 Government Accountability Office report. A BIA official testified at that hearing that the agency's goal is to reach recognition decisions within approximately 25 months. Unfortunately, because of a consistent lack of resources, the BIA process traditionally has resulted in delays of fifteen years or more.

Again, I look forward to working with you to find ways to improve the BIA's efficiency and effectiveness in recognizing legitimate Indian tribes. In the interim, I ask for your support in advancing the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2007.

Please feel free to contact me or Maribel Ramos (x 4-5232) of my staff if you would like to discuss this matter further.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jim Webb", is written over a circular stamp.

Jim Webb  
United States Senator

JHW/mls